

**Town of Mancos
Board of Trustees Meeting
January 28, 2015
7:00 p.m.**

A. CALL TO ORDER: Mayor Rachael Simbeck called the meeting to order at 7:00 p.m.

B. ROLL CALL: Present: Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee Queenie Barz, Trustee James Maestas, Trustee Will Stone, Trustee Matthew Baskin, Trustee Michele Black

Staff Present: Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Town Attorney David Liberman and Public Works Director Robin Schmittel

C. APPROVAL OF AGENDA: Trustee Queenie Barz made the motion to amend the agenda by moving item #5 Ordinance 698 Series 2015 Emergency Moratorium on Retail & Medical Marijuana to item #1. Trustee Michele Black seconded the motion to approve the amended agenda. Motion passed.

D. APPROVAL OF MINUTES OF January 14, 2015: Mayor pro tem Todd Kearns made the motion to approve the minutes of January 14, 2015 as written. Trustee James Maestas seconded the motion to approve the minutes. Motion passed.

E. AUDIENCE BUSINESS

None

F. ANNOUNCEMENTS

- Town Administrator Andrea Phillips advised that the first 2015 Mancos Days Planning meeting was held today. The next meeting is February 9 at 6:00 p.m. at Town Hall, and the Town is seeking volunteers to assist with this event.
- Mayor Rachael Simbeck reminded everyone the Mancos Chamber is holding their Citizen of the Year award on February 5.
- The Board workshop on February 4 will include discussion of Boyle Park.

G. UNFINISHED BUSINESS

None

H. NEW BUSINESS

1. Ordinance 698 Series 2015 Emergency Moratorium on Retail & Medical Marijuana
The Board approved all four license types of recreational marijuana in 2014. Since that time, the Board has approved a license for one recreational marijuana shop, which opened at the end of December. A second application for a co-located medical and retail marijuana cultivation and retail shop has been received. At this time, staff requests a temporary moratorium on new medical and retail marijuana business licenses, excepting the one already submitted to the Town Clerk, so that staff can work with the town attorney to clear up any inconsistencies in the Mancos code

related to licensing, possession of marijuana or marijuana products, and anything that might conflict with Amendment 64. During this time, staff is also requesting direction on cultivation and infused product facilities.

- Nate Fete, owner of The Shop, LLC – he is recommending that Staff review the code to be sure the smell barriers are in place, he is also requesting open communication with the public during this process.
- Regina Roberts, 601 Grand Ave. – she has several concerns: she feels the size of the grow has been addressed during Planning Commission meetings; she feels that the Staff is failing to get ahead of this issue and this should have been addressed earlier; she feels the public perception is causing negative impact on the pending application; she feels that there is not enough zoning or retail space to warrant this moratorium.
- Jim Cody, owner of Willow North Medical Marijuana Dispensary – he was present at most of the meeting during the planning process, and he remembers anything over 2,500 square feet requires special use permit so the large cultivation issue is already addressed. He feels that placing a moratorium on a large facility is unnecessary. Mayor Rachael Simbeck asked Mr. Cody if the moratorium would affect his current application? That answer is no because he has already submitted his application prior to this meeting.

Trustee Will Stone made the motion to approve Ordinance 698 Series 2015 An Ordinance of the Town of Mancos, Colorado Imposing A Moratorium On The Submission, Acceptance, Processing And Approval Of New Applications Of Any New Medical Business or New Retail Marijuana Establishment; Providing For The Moratorium To Extend To And Through June 30, 2015; And Declaring An Emergency Therefore. Trustee James Maestas seconded the motion. Trustee Michele Black requested correction on page two Section 2 “seek” to “seeking”. Motion passed unanimously by roll call vote.

2. Resolution 6 Series 2015 Adoption of Three Mile Plan

The Planning and Zoning Commission has reviewed the Town’s existing three mile plan and recommended re-adopting it at its regular meeting January 21. The town’s three mile plan was originally adopted on March 21, 2007. Trustee Queenie Barz clarified that the property owner must request annexation. Mayor pro tem Todd Kearns clarified that the property must be contiguous in order to allow annexation. Montezuma County does notify the Town of any issues arising within our three mile radius. Trustee Michele Black made the motion to approve Resolution 6 Series 2015 A Resolution Adopting A Three-Mile Plan For The Town Of Mancos Colorado. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

3. Ordinance 695 Series 2015 Criminal Penalties For Violations in Land Use Code (1st Reading)

The purpose of this ordinance is to remove criminal penalties for violating the LUC. Instead of jail time as a possibility, violations would be a civil offense. This ordinance is a companion to proposed ordinances 697 and 696. An administrative citation procedure is being considered as an alternative and would allow the Town to cite violators for non-compliance. A hearing officer (judge) would be able to give fines of up to \$499.00 per violation per day. Planning and Zoning reviewed this draft ordinance and held a public hearing on Jan. 21. They are in favor of decriminalizing land use code violations but would like to retain the possibility of criminal prosecution if a violator does not comply with the new administrative citation procedure. This is provided in Ordinance 697, which outlines the new administrative citation procedure. Trustee

Queenie Barz requested that “judge or municipal attorney” be referenced in all three ordinances with regard to the hearing officer. Town Administrator Andrea Phillips requested direction as to how the Board would like to proceed at this time. Trustee Matthew Baskin requested clarification regarding what the Planning Commission considers a high level violation. The Board would like to decriminalize municipal and land use code violations and adopt some form of administrative citation procedure. The item will be brought to a future meeting for additional review and discussion.

4. Ordinance 696 Series 2015 Criminal Penalties for Violations (1st Reading)

The town is exploring options for dealing with violations of municipal code that achieve compliance without costing the town unnecessary funds. The purpose of this ordinance (and its companion ordinances 695 and 697) is to remove criminal penalties for violating the municipal code. Under the proposed changes, violations would be considered civil penalties, for which jail time would not be a possibility. An administrative citation procedure is being considered as an alternative and would allow the Town to cite violators for non-compliance. A hearing officer (judge) would be able to give fines of up to \$499.00 per violation per day. The Board would like to decriminalize municipal and land use code violations and adopt some form of administrative citation procedure. The item will be brought to a future meeting for additional review and discussion.

5. Ordinance 697 Series 2015 Administrative Citation Procedure (1st Reading)

The purpose of this ordinance (and its companion ordinances 695 and 696) is to remove criminal penalties for violating the municipal code and provide an administrative citation process. Under the proposed changes, violations would be considered civil penalties, for which jail time would not be a possibility. This ordinance proposes an administrative citation procedure as an alternative and would allow the Town to cite violators for non-compliance. A hearing officer (judge or licensed attorney) would be able to give fines of up to \$499.00 per violation per day. The Board would like to decriminalize municipal and land use code violations and adopt some form of administrative citation procedure. The item will be brought to a future meeting for additional review and discussion.

6. Water Solutions LLC Independent Contract

Chris Kramer from Water Solutions has served as the town’s Operator in Responsible Charge (ORC) for several years and holds the certification level required by the state for both plants. He has been working as the weekend operator to conduct sampling and plant checks and is available for emergency call outs. Chris has tendered his resignation as the weekend operator and is interested in serving on an emergency basis only. He will remain as the ORC at the wastewater treatment plant until Robin Schmittel, PW Director, obtains his Class B license. It should be noted that Robin will now be responsible for plant operations on the weekends as well. This is a temporary situation that will need to be addressed. A PW Tech is cross training with Streets and WWTP/WTP Operation and is taking a Class D test for water treatment next week. Mayor pro tem Todd Kearns clarified that once Robin Schmittel obtains his B license, he will be the ORC for both plants and Water Solutions LLC will be back-up for emergencies. Trustee Queenie Barz made the motion to authorize the Town Administrator and Public Works Director to enter into contract with Water Solutions, Inc. for care of the water and wastewater treatment plant. Mayor pro tem Todd Kearns seconded the motion. Motion passed unanimously by roll call vote.

I. ITEMS FOR February 11, 2015 AGENDA

- *Caselle/Xpress Bill Pay Credit Card Software*

J. ADJOURNMENT

Meeting adjourned at 8:12 p.m.



Mayor Rachael Simbeck



Town Clerk/Treasurer Heather Alvarez